

JURISDICTIONAL DETERMINATION
U.S. Army Corps of Engineers, Walla Walla District

APPLICANT: Emerald Creek Garnet

FILE NUMBER: 981101710

PROJECT LOCATION/WATERWAY: Fernwood, Idaho /St. Maries River, tributaries to St. Maries River, and Adjacent wetlands.

PROJECT REVIEW COMPLETED: ☐ Office ☒ Field

Jurisdictional Determination (JD): (For sites regulated under 33 CFR 320-330)

- ☐ Preliminary JD - Based on available information, *there appear to be* ☐ *or there appear to be no* ☐ waters of the United States on the project site. A preliminary JD is not appealable.
- ☒ Approved JD - *There are* ☒ *or there are no* ☐ waters of the United States on the project site, as identified in the basis of jurisdictional determination indicated below. An approved JD is an appealable action (33 CFR 331).
(Note: JDs prepared by the Environmental Protection Agency or the Natural Resource Conservation Service are not appealable to the Corps of Engineers)

Basis of Jurisdictional Determination: (33 CFR 328.3)

- ☐ The presence of waters which are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (i.e. navigable waters of the U.S.).
- ☐ The presence of interstate waters (including interstate wetlands¹).
- ☒ The presence of a tributary to an interstate water or other water of the US.
- ☐ Impoundments of interstate or other waters of the US or their tributaries.
- ☐ The presence of territorial seas.
- ☒ The presence of wetlands adjacent² to interstate or other waters of the US, except for those wetlands adjacent to other wetlands.
- ☐ The presence of an isolated water (e.g., intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).
- ☐ The site is used by interstate or foreign travelers for recreational purposes.
- ☐ The site has fish or shellfish that are taken and sold in interstate or foreign commerce.
- ☐ The site is used for industrial purposes by industries in interstate commerce.
- ☐ Other: _____

Rationale for Basis of JD (required for all approved JDs):

St. Maries River and streams in the project area are tributaries to the Spokane River, an interstate water of the U.S. Wetlands are adjacent to this interstate tributary system.

Lateral Extent of Jurisdiction (33 CFR 328 and 329):

- ☒ Ordinary High Water Mark indicated by:
- ☒ clear, natural line impressed on the bank
 - ☒ the presence of litter and debris
 - ☒ changes in the character of soil
 - ☒ destruction of terrestrial vegetation
 - ☒ shelving
 - ☐ other: Clearly established bed and banks.
- ☐ High Tide Line indicated by:
- ☐ oil or scum line along shore objects
 - ☐ fine shell or debris deposits (foreshore)
 - ☐ physical markings/characteristics
 - ☐ tidal gages
 - ☐ other: _____
- ☐ Mean High Water Mark indicated by
- ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in veg types
- ☐ In ocean or coastal area, site is in a zone three geographic (nautical) miles seaward of the baseline³
- ☐ Wetland maps and jurisdictional report prepared by: Mike Carroll/Selkirk Environmental dated September 7, 1999.

☐ **Additional supporting information.** (attach when appropriate)

Preparer: /signed/ Michael T. Doherty **Date:** June 3, 2002

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual)(i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). Processes for determining wetlands on agricultural lands may vary from methods described in the Corps Wetland Delineation Manual.

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

³Baseline is the line on the shore reached by the ordinary low tides from which the distance of three miles is measured.